



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

WMP

Docket No: 2697-02  
26 August 2002

[REDACTED]

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This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 August 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 22 August 1974 for four years at age 18. You served without incident until 26 February 1976 when you received nonjudicial punishment (NJP) for wrongful possession of marijuana and two instances of violating a general order or regulation. The punishment imposed was a reduction to paygrade E-1, 45 days of restriction and extra duty, and forfeitures of \$150 per month for two months. A portion of the forfeitures were suspended for six months.

On 23 March 1976 you were screened for drug use and admitted that between February 1972 until February 1976 that you used marijuana daily, barbiturates twice weekly, amphetamines twice monthly, and opium on 20 occasions. You further admitted that you used between April to December 1975 that you used heroin on 15 occasions. As a result of your admissions, you were

diagnosed as psychologically but not physically dependent upon drugs and were referred to the Naval Drug Rehabilitation Center (NDRC) for treatment.

On 29 April 1976, a rehabilitation consultation from NDRC documented your minimal participation in the drug therapy program and provided indications of drug use while in treatment. As a result of this consultation, you were recommended for discharge from the Naval service due to the likelihood of future drug use.

On 16 August 1976, you were notified that separation action was being initiated by reason of misconduct due to drug abuse. You were advised of and retained all of your procedural rights. However, you agreed to waive the right to an administrative discharge board if you were recommended for a general discharge. Subsequently, the commanding officer recommended a general discharge, and this recommendation was approved. On 17 August 1976 you were so discharged.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, and your contention that you were an alcoholic during your service. However, the Board found that your general discharge was appropriate, based on your NJP for possession of drugs, your extensive in-service drug abuse, and your minimal participation in the drug therapy program. Furthermore, the Board found that your discharge by reason of misconduct was based on your drug abuse, failure to participate in treatment regimen, and the likelihood of further drug usage. There is no evidence to support your contention that your discharge was based on alcoholism, and you have provided no evidence to support this claim. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by

the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director